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April 5th, 2021

Via ECF

Hon. Diane Gujarati
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

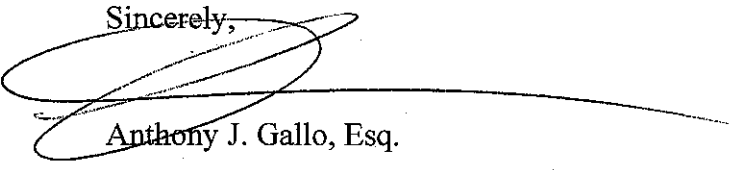
Re: Catalano v. Marine Max, Inc., et al
Docket No. 2:20 -cv- 04134 (GRB)(AKT)
File No. 302.007

Dear Judge Gujarati:

Good afternoon your Honor. This firm is counsel to the plaintiffs in the above referenced matter. Firstly, I would like to apologize to the Court and counsel for not filing this response by April 2nd, 2021, as directed, as for some reason, I did not receive the *ECF* notification until today. Apart from the foregoing, and in response to defendants' letter request for permission to file a motion on the pleadings pursuant to Fed. R. Civ. P. 12 (c), I am writing to confirm that plaintiffs have no objection to proceeding to a briefing schedule on defendants' anticipated motion. For the sake of expedience, and if it pleases the Court, I will address the specifics of the allegations raised in defendant's letter of February 24, 2021 in the context of our opposition to said motion.

I thank the Court and counsel for the courtesies extended in connection with this matter.

Sincerely,



Anthony J. Gallo, Esq.

AJG/ss

CC: *Via Ecf & Email*
David S. Rutherford, Esq.
Rutherford & Christies, LLP